

UNITED STATES DISTRICT COURT

U.S. MAGISTRATE COURT
JSH - SDTY
FILED

for the

Southern District of Texas

OCT - 6 2014 CLR

United States of America

v.

Case No. 5:14mj1288-1

Yolanda Morin CUELLAR

-and-

Isaac CUELLAR

Defendant(s)

FPD

Det CJA

10/9/14. P/O + det
10AM

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/4/2014 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 21 U.S.C. § 841(a)(1)

by knowingly and unlawfully possessing,
with the intent to distribute, a
controlled substance listed under
Schedule I of the Controlled Substances
Act, to wit, approximately 172 grams of
heroin.

This criminal complaint is based on these facts:

See Attached Sheet

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 10/6/2014City and state: Laredo, Texas

Complainant's signature

C. Brian Mayes, DEA Special Agent

Printed name and title

Judge's signature

U.S. Magistrate Judge J. Scott Hacker

Printed name and title

Attachment 1

U.S. Border Patrol Agent (BPA) Matthew Godin stated the following information to DEA Special Agent (SA) Brian Mayes on 10-04-2014: On 10-04-2014 at approximately 2:30 p.m., a Ford F-150 driven by Isaac CUELLAR approached BPA Godwin's inspection lane at the U.S. Border Patrol (USBP) IH-35 Checkpoint (located approx. 29 miles north of Laredo, TX). The front passenger's seat was also occupied by Isaac CUELLAR's wife named Yolanda CUELLAR. While BPA Godwin was conducting an immigration inspection of the occupants of the vehicle, BPA Zayra Espinoza advised that her service canine was alerting to the presence of concealed humans and/or narcotics within the confines of the vehicle. BPAs Godin and Espinosa also noticed that the passenger, Yolanda CUELLAR, was wearing a blanket that covered her chest area and top portion of her legs with a small dog sitting on top of the blanket. Yolanda CUELLAR also advised BPAs that the reason that the dog was wearing a blanket was because the dog was cold (outside temperature was 87 degrees Fahrenheit).

BPA Espinoza then advised to refer the vehicle to secondary inspection. At secondary inspection, a "Terry Frisk" (pat down) was conducted on both occupants of the vehicle for officer safety. While BPA Espinoza conducted the pat down of Yolanda CUELLAR, she advised that she located three black in color wrapped bundles of suspected narcotics under the breasts of Yolanda CUELLAR. In addition, during the pat down, Yolanda CUELLAR voluntarily stated that the suspected narcotics belonged to her husband (Isaac CUELLAR) and that she was only carrying them for him. Yolanda CUELLAR and Isaac CUELLAR were subsequently arrested by BPAs for possessing the suspected narcotics. After Isaac CUELLAR was arrested, Isaac CUELLAR also voluntarily stated that the suspected narcotics belonged to him. BPA Godwin stated that BPAs never asked Yolanda CUELLAR and Isaac CUELLAR any questions and the statements made by both of them were voluntarily before being escorted inside the checkpoint after they were arrested. A sample of the substance in one of the bundles of suspected narcotics was field tested and tested positive for heroin. The total weight of the heroin was approximately 172 grams.

The USBP referred this case to the DEA Laredo District Office; therefore, SA Mayes and Task Force Officer (TFO) Oscar Garcia arrived at the USBP IH-35 Checkpoint on 10-04-2014 to take custody of the three bundles of heroin and to process and interview both Yolanda CUELLAR and Isaac CUELLAR. At the USBP IH-35 Checkpoint, SA Mayes as witnessed by TFO Garcia read Yolanda CUELLAR her Miranda rights in English via the DEA-13a Form. Yolanda CUELLAR consented to speak to agents; therefore, the interview was conducted. During the interview, Yolanda CUELLAR admitted that she knowingly and unlawfully attempted to transport drugs through the USBP IH-35 Checkpoint on 10-04-2014 by concealing the drugs in her bra while she was a passenger in her husband's (Isaac CUELLAR) vehicle. In summary, Yolanda CUELLAR stated that an individual came to their residence on 10-03-2014 and gave her husband, Isaac CUELLAR, an unknown drug so that her husband could transport the drug through the USBP IH-35 Checkpoint on 10-04-2014. Yolanda CUELLAR stated that her husband told her that the individual was going to pay her husband money for transporting the drugs through the checkpoint. Yolanda CUELLAR stated that her husband persuaded her to help him get the drugs through the checkpoint; therefore, on 10-04-2014, she concealed the drugs inside of her bra before entering the USBP IH-35 Checkpoint on 10-04-2014 and getting caught with the drugs at the checkpoint. Yolanda CUELLAR stated that she knew that she was assisting her husband with transporting illegal drugs, but she did not know the type of drug that she was concealing.

Once Yolanda CUELLAR's interview was concluded, SA Mayes as witnessed by TFO Garcia read Isaac CUELLAR his Miranda rights in English via the DEA-13a Form. Isaac CUELLAR consented to speak to agents; therefore, the interview was conducted. During the interview, Isaac CUELLAR admitted that he knowingly and unlawfully attempted to transport heroin through the USBP IH-35 Checkpoint on 10-04-2014. In summary, Isaac CUELLAR stated that an individual came to his residence on 10-03-2014 and gave him heroin so that he could transport the heroin on 10-04-2014 north of the USBP IH-35 Checkpoint and then transport the heroin to a location in San Antonio, TX. Isaac CUELLAR stated that the individual was going to pay him a total of \$1,000 U.S.C. for the transport and that the individual initially gave him \$200 U.S.C. and that the individual was going to pay him \$800 U.S.C. once he met with and gave the individual the heroin in San Antonio, TX. Isaac CUELLAR stated that he was able to persuade his wife, Yolanda CUELLAR, to help him transport the heroin on 10-04-2014 and that his wife concealed the heroin in her bra before they got caught with the heroin on 10-04-2014 at the USBP IH-35 Checkpoint. Isaac CUELLAR also stated that his wife knew that the illegal drug that she was concealing in her bra was heroin.

Yolanda CUELLAR and Isaac CUELLAR were subsequently arrested by the DEA for possessing with the intent to distribute approximately 172 grams of heroin [violation of Title 21 U.S.C. § 841(a)(1)] and transported to the Webb County, TX Jail.